

Be prepared.

- Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.).
- Either person can bring a “support” person to the court hearing to feel safer. The support person must not talk for either person in court.
- You can bring documents or witnesses to help support your case. Provide the other party with a copy of all documents or witness statements. Your witnesses can write their statements about what they saw or heard, signed under penalty of perjury. They can use form MC-030, *Declaration*, or a sheet of paper titled “Declaration.”
- If you are the person to be restrained, complete, file, and serve Form DV-120, *Response to Request for Domestic Violence Restraining Order*, if you haven’t already. Bring 3 copies of DV-120 to the hearing.
- Most courtrooms do not allow children. Before the date of the hearing, ask if there is a children’s waiting room in the courthouse if you do not have childcare available.
- Practice what you want to say to the judge. Make a list of the orders you want or the orders you disagree with. If you get nervous at the hearing, just read from your list.

Don't miss the hearing.

- If you are the person asking for protection and you miss the hearing, the restraining orders will end and you will have to complete the paperwork all over again.
- If you are the person to be restrained and you miss the hearing, the judge can still make the orders.

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the court clerk or officer that you are present.
- Do not sit near or talk to the other person.
- If you are afraid of the other person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

What if you don’t speak English?

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- Give complete answers.
- If you don’t understand, say “I don’t understand the question.”
- Speak only to the judge, unless it is your turn to ask questions.
- When people are talking, wait for them to finish. Then you can ask them questions about what they said.
- Do not interrupt other than for legal objections.
- If the other person tells a lie, wait until he or she finishes talking, then tell the judge.
- Do not sit near or talk to the other person.
- The person to be protected and the person to be restrained or their lawyers may ask questions.

The judge will decide.

- At the hearing, the judge will consider whether denial of any orders will risk the safety of the person asking for protection or the safety of children for whom custody, visitation, or child support orders are requested. Safety concerns about the financial needs of the person asking for protection will also be considered.
- At the end of the hearing, the judge will say what the orders are. The orders will be put on Form DV-130 (*Restraining Order After Hearing*).

If the judge makes orders at the hearing—Form DV-130**For person to be protected:**

- Sometimes the court clerk will fill out Form DV-130. If not, ask who should fill it out.
- If the court clerk fills out Form DV-130, the clerk will bring the form to the judge.
- If you fill out Form DV-130, bring it to the court clerk when you finish.
- Ask the clerk for the local process to get Form DV-130 filed. After the form is filed, the court clerk will give you up to three copies.
- Read the signed Form DV-130 carefully. If anything is different from what the judge ordered, tell the court clerk right away or talk to your lawyer if you have one for the case.

For person to be restrained:

- If the judge makes orders at the hearing you must obey them. If you do not, you could be arrested.
- Any orders will be written on Form DV-130. When you receive the signed and filed Form DV-130, read it carefully. If anything is different from what the judge ordered, tell the court clerk right away or talk to your lawyer if you have one for the case.

The judge may “continue” your case.

This means you have to come back another day. The judge can do this if:

- The person to be restrained needs time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

The person to be protected may ask the judge to extend the temporary orders until the new hearing date.

The court may use *Notice of New Hearing Date and Order on Reissuance* (Form DV-116) for the new hearing.

What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to Family Court Services which helps parents agree on a plan for custody and visitation that is best for the children.
- Either parent can ask to meet with Family Court Services separately. The protected person may bring a support person to the meeting. A support person can provide emotional support but cannot speak for the protected person.
- If you are sent to Family Court Services, the judge may make the restraining, custody, and visitation orders last until the next hearing or until another court order.

What happens after the hearing?

For person to be protected:

- The court clerk will send Form DV-130 to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- If the restrained person was at the hearing, you may have him or her served with a copy of Form DV-130 by mail.
- If the restrained person was not at the hearing, but the judge's orders are the **same** as the temporary order, you may have him or her served with a copy of Form DV-130 by mail.
- If the restrained person was not at the hearing, and the judge's orders are **different** from the temporary order, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200, *Proof of Personal Service*, and give it back to you.
- Keep a copy of the orders with you at all times.

For person to be restrained:

- You will be served with the *Restraining Order After Hearing* (Form DV-130) within a few days, by mail or in person.
- If you do not receive a copy of the orders within a few days after the hearing, ask the clerk for a copy.
- Keep a copy of the orders with you at all times.

Which forms will I receive after the hearing?

Use this checklist to see if you have the right forms for the case:

- Form DV-130 (*Restraining Order After Hearing*) if the judge made orders at the hearing.
- Form DV-140 (*Child Custody and Visitation Order*) if the judge ordered child custody or visitation. Sometimes lawyers use different forms.
- Form FL-342 (*Child Support Information and Order Attachment*) or Form FL-343 (*Spousal, Partner, or Family Support Order Attachment*) if the judge orders child support and/or spousal support.

Need more help?

Ask the court clerk about free or low-cost legal help.

For a referral to a local domestic violence or legal assistance program, call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

What if you are deaf or hard of hearing?



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)